

उत्तराखण्ड शासन

न्याय अनुभाग-2

संख्या- /4 दो(1)/XXXVI(2)/2011टी0सी0-1

देहरादून: दिनांक: 24 मई, 2011

अधिसूचना

राज्यपाल, भारत सरकार से 13 वें वित्त आयोग के अन्तर्गत न्याय प्रणाली में सुधार हेतु प्राप्त अनुदानों के अनुश्रवण व समुचित उपयोग इत्यादि के लिये मुख्य सचिव, उत्तराखण्ड शासन की अध्यक्षता में निम्नलिखित सदस्यों की उच्च स्तरीय अनुश्रवण समिति (High Level Monitoring Committee) गठित करने की सहर्ष स्वीकृति प्रदान करते हैं :-

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| 1- | मुख्य सचिव, उत्तराखण्ड शासन | अध्यक्ष |
| 2- | महानिबन्धक, मा0 उत्तराखण्ड उच्च न्यायालय, नैनीताल | सदस्य |
| 3- | प्रमुख सचिव/सचिव, वित्त उत्तराखण्ड शासन | सदस्य |
| 4- | प्रमुख सचिव/सचिव, लोक निर्माण विभाग, उत्तराखण्ड शासन | सदस्य |
| 5- | प्रमुख सचिव/सचिव, गृह, उत्तराखण्ड शासन | सदस्य |
| 6- | निदेशक, उत्तराखण्ड न्यायिक एवं विधिक अकादमी, भवाली, नैनीताल | सदस्य |
| 7- | महानिदेशक (अभियोजन) उत्तराखण्ड | सदस्य |
| 8- | सदस्य-सचिव, उत्तराखण्ड विधिक सेवा प्राधिकरण | सदस्य |
| 9- | प्रमुख सचिव/सचिव, न्याय एवं विधि परामर्शी, उत्तराखण्ड शासन | सदस्य-सचिव |

आज्ञा से,

(प्रेम सिंह खिमाल)

अपर सचिव ।

संख्या- /4-दो(1)/XXXVI(2)/2011टी0सी0-1-तददिनांक ।

प्रतिलिपि- निदेशक, मुद्रण एवं लेखन सामग्री, उत्तराखण्ड, रुडकी, हरिद्वार को इस अनुरोध के साथ प्रेषित कि कृपया उक्त अधिसूचना को उसाधारण गजट के विधायी परिशिष्ट भाग-4 खण्ड (ख) परिनियत आदेश) के अगामी अंक में प्रकाशित करने का कष्ट करें, एवं अधिसूचना की 20 प्रतियां इस विभाग को भेजने का कष्ट करें।

आज्ञा से,

(धर्मेन्द्र सिंह अधिकारी)

संयुक्त सचिव ।

संख्या- /4-दो(1)/XXXVI(2)/2011टी0सी0-1-तददिनांक ।

प्रतिलिपि निम्नलिखित को भारत सरकार से प्राप्त दिशा निर्देशों दिनांक 20-9-2010 (छायाप्रति संलग्न) सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- स्टाफ आफीसर, मुख्य सचिव, उत्तराखण्ड शासन।
- 2- महानिबन्धक, मा0 उत्तराखण्ड उच्च न्यायालय, नैनीताल।
- 3- प्रमुख सचिव/सचिव, वित्त, उत्तराखण्ड शासन।
- 4- प्रमुख सचिव/सचिव, लोक निर्माण विभाग, उत्तराखण्ड शासन।
- 5- प्रमुख सचिव/सचिव, गृह, उत्तराखण्ड शासन।
- 6- निदेशक, उत्तराखण्ड न्यायिक एवं विधिक अकादमी, भवाली, नैनीताल।
- 7- महानिदेशक (अभियोजन) उत्तराखण्ड
- 8- सदस्य-सचिव, उत्तराखण्ड विधिक सेवा प्राधिकरण, मा0 उच्च न्यायालय परिसर, नैनीताल।
- 9- प्रमुख सचिव/सचिव, न्याय एवं विधि परामर्शी, उत्तराखण्ड शासन।
- 10- एन0आई0सी0, उत्तराखण्ड सचिवालय, देहरादून/गार्ड फाईल।

आज्ञा से,

(धर्मेन्द्र सिंह अधिकारी)

संयुक्त सचिव ।

Rs.150 crore is to be used for training of 2000 Public Prosecutors during 2010-15. This grant component may be used to impart training at Judicial Academies, State Administrative Institutes or other institutions such as law universities.

12. Creation of posts of Court Managers

12.1 With a view to enhancing the efficiency of court management, and resultant improvement in case disposal, Rs.300 crore have been allocated for employment of professionally qualified Court Managers to assist judges. The Court Managers, with MBA degrees, will support the judges to perform their administrative duties, thereby enabling the judges to devote more time to their judicial functions. The post of a Court Manager would be created in each judicial district to assist the Principal District and Session judges. Two posts of Court Manager may be created for each High Court, and one for each Bench of the High Court. In case the High Court is of the opinion that one Court Manager would be sufficient for more than one district, then HLMC can also take such a decision.

12.2 Suggested functions, responsibilities and qualifications of court managers, as suggested by Department of Justice in consultation with the National Judicial Academy may be seen in Annex- III.

13. Maintenance of Heritage Court Buildings

Acknowledging that a number of court buildings have been declared as heritage buildings under national, state or local laws, Rs.450 crore has been allocated for restoration and conservation of 150 such buildings, in collaboration with the Archeological Survey of India (ASI)/Indian National Trust for Art and Cultural Heritage (INTACH). In doing this, preference may be accorded to larger and older buildings. The HLMC in each state would decide the order of preference for such restoration and conservation.

14. Monitoring agency at State levels

14.1 Every State shall set up a High Level Monitoring Committee (HLMC), presided over by the state's Chief Secretary, to approve the perspective and action plans for utilization of the grants recommended by the FC-XII and for regular monitoring of the progress made in implementation of these plans. HLMC will have, among its members, Finance Secretary, Law Secretary, Home Secretary, Secretary (PWD), DG (Prosecution), Registrar General of the concerned High Court, Member-Secretary of the State Legal Service Authority and Director of the State Judicial Academy. The HLMC shall be responsible for monitoring both the physical and financial targets, ensuring adherence to specific conditions in respect of the grant.

14.2 The HLMC shall meet on a quarterly basis during the award period of FC-XIII. Minutes of HLMC meetings shall be provided to the Department of Expenditure (Finance Commission Division) in the Ministry of Finance, and to the Department of Justice.

15. Monitoring agency at the Union Government level

A Review Committee will be constituted in the Government of India, headed by Secretary, Department of Justice, to review utilisation of grants. The Committee will include a representative from the Ministry of Finance (Department of Expenditure). The Committee shall meet at least twice in a year.

16. Conditions for release of grants

In line with the recommendations of FC-XIII, the following conditions will be applicable to release of this grant:

- i) The grant will be released in five equal annual instalments, with two tranches every year on 1 July and 1 January.
- ii) The annual instalment for the first year (2010-11) will be released without any insistence on a State Litigation Policy (SLP), aimed at responsible litigation, being in place.
- iii) All subsequent instalments will be released to a State after it puts in place a State Litigation Policy. The SLP must be put in place by a State Government before the end of a fiscal year to be eligible to draw down the instalment for the succeeding fiscal years.
- iv) FC-XIII has recommended that SLPs, which could be based on the NLP, include steps for :
 - a) reviewing the existing cases and wherever necessary, withdrawing cases identified as frivolous and vexatious;
 - b) formulating norms for defencing cases as well as for filing appeals and
 - c) setting up of Empowered Committees to eliminate unnecessary litigation.
- v) States are required to prepare a perspective plan for 2010-15 and an action plan for each financial year for all the components with the approval of HLMC. Copies of these plans will be made available to the Review Committee constituted as in paragraph 15 above.
- vi) In the States' plans, no expenditure may be proposed or incurred on the items listed in **Annex-IV**.
- vii) Accounts will be maintained and Utilisation Certificates (UCs)/Statement of Expenditure (SOEs) will be provided in accordance with General Financial

Rules (GFR 2005) in the format in **Annex-V*** on half-yearly basis to the Department of Justice. Utilisation Certificates will be countersigned by the State Finance Secretary.

(* **Annex -V** is available on our website <http://finmin.nic.in>)

17 The grant will be released by Ministry of Finance (Department of Expenditure) on the recommendation of the Department of Justice. A budget provision will be made in the Demand for Grants number 35 of the Ministry of Finance. State Governments may make budget provisions and incur expenditure in respect of this grant under the Major Head 2014 – Administration of Justice, on the non-plan side.

18. Audit by the Controller and Auditor General

Comptroller and Auditor General of India would undertake audit of expenditure of this grant every year. The State Government shall send a copy of the audit report of the Comptroller and Auditor General of India to the Ministry of Finance and to the Department of Justice.

Alok Chandra

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